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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,376	06/26/2001	David Carroll Challener	RPS920010023US1/2068P	2903
47052	7590	01/18/2006	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,376

Applicant(s)

CHALLENGER ET AL.

Examiner

Andrew L. Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-12, 14, 16-22 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12, 14, 16-22 and 28-31 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 8-12, 14, 16-22, and 28-31 are hereby pending.

### ***Response to Arguments***

2. Applicant's arguments filed 27 October 2005 have been fully considered but they are not persuasive.

3. Applicant has argued on pages 9-10 that the Sayers reference fails to anticipate claim 1 because it is directed towards a cellular phone system while the instant invention is directed towards a cordless phone system. Examiner respectfully disagrees. Cellular telephone systems are systems in which an area is divided up and the respective divisions are each served by an independent base station (see Cellular Radio definition provided). A cordless phone system is one in which a cordless phone is associated with a base station through two way communication (see Specification, page 6). Applicant's claim is directed towards a phone system with multiple base stations where the base station within range acts as the conduit for communication. Thus, Applicant's invention is a form of cellular network. Applicant's assertion that the limited range of signal associated with a cordless phone system creates a distinction between cellular and cordless is unfounded because the primary characteristic of a cellular phone system versus a cordless phone system is that a cellular system is composed of multiple cells. Applicant's invention is composed of multiple cells and thus

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is a form of cellular system. As a result, Examiner maintains that Sayers' cellular phone system anticipates the phone system of the instant invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 28-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claims are unclear because they claim a cellular-like telephone environment. This term is a relative term that is not defined by the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 8-9, 16-17, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayers et al US Patent No. 6,539,237.

7. With regards to claims 8, 16, and 28-29, Sayers teaches utilizing the cordless unit to initiate the call (Sayers, column 10 lines 15-25, send calls), routing the call from the cordless unit to the ISP via the modem if the cordless unit is within range of the base station (Sayers, column 8 lines 45-52), if the cordless unit is not within range of the first base station then determining a second base station that is within range of the cordless unit, the second base station being coupled to a second modem, the second modem being coupled to the ISP (Sayers, column 8 lines 45-52, column 10 lines 15-25), and routing the call from the cordless unit to the ISP via the second modem and providing the call from the ISP to the device (Sayers, column 10 lines 15-25, send calls).

8. With regards to claims 9 and 17, Sayers teaches encrypting the call prior to step the routing of the call (Sayers, column 3 lines 35-41).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 10-12, 14 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al US Patent No. 6,539,237 in view of Chiu US PGPub 2002/0131598.

11. With regards to claims 10-11 and 18-19, Sayers fails to teach the converting of analog data and the encrypting of digital data. Ashby teaches utilizing the cordless phone to convert the data from analog to digital (Ashby, column 15 lines 30-35) and utilizing the encryption technique within the cordless unit to encrypt the digital data (Ashby, column 15 lines 39-53). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ashby's conversion and encryption method with Sayer's wireless communication system because it offers the advantage of preventing unauthorized user's from eavesdropping on secure channels (Ashby, column 1 lines 18-42).

12. With regards to claims 12 and 20-21, Sayers as modified teaches the converting of encrypted digital data packets to IP packets (Sayers, Figure 6 Item 6-26, column 24 lines 26-47).

13. With regards to claims 14 and 22, Sayers as modified teaches the decrypting of the IP packets at the ISP, converting the IP packets to digital data, and converting the digital data to analog data (Ashby, column 15 lines 54-67, Sayers, column 11 lines 37-42).

14. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al US Patent No. 6,539,237 in view of Li et al US Patent No. 6,876,852.

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15. With regards to claims 30-31, Sayers fails to teach the first and second modem being a cable modem. Li teaches the first and second modem being a cable modem (Li, column 5 lines 22-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Li's method of using cable modems because it offers the advantage of allowing an integration of cellular and cable communication systems (Li, column 2 lines 17-33).

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

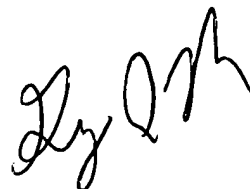
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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